

November 2, 2007

Greetings:

Let me first congratulate you on your significant effort toward a truly comprehensive vision for the Delta. However, I do have a number of concerns with the draft which are expressed below. In essence I believe certain aspects of the draft are inconsistent with the co-equal importance of water supply and ecosystem improvement primarily due to the unjustified conclusion that water supplies must be reduced. The mantra of regional self-reliance is anathema to more than 25 million people south of the Delta whose regional rainfall is wholly inadequate for their jobs, businesses, farms and domestic needs.

Let's start with the positive aspects of the report. You have realized what was known by the planners of the State Water Project from the inception: isolated conveyance of water supplies past the Delta is the best solution for the ecosystem and water supplies. That conclusion has been supported by every unbiased study since including the recent thorough examination by CalFed. The urgency has been underscored by three recent developments: (1) the realization that the economic devastation of Katrina pales in comparison to the threat to the California economy south of the Delta (hundreds of billions of dollars) from a sustained water supply disruption due to earthquake induced failure the current water delivery system, (2) the realization that the unavoidable rise in sea level from even controlled global warming and decline in Delta land levels due to erosion raise the risk of simple failure of the system having similar catastrophic effects, and (3) the recent federal court decision which found that reverse flows in Delta channels threaten the Delta Smelt accompanied by an order which will drastically reduce water supplies south of the Delta, most dramatically in the south bay area.

Isolated conveyance past the Delta will largely solve those problems. You have gone beyond the solution to the problem however and envisioned a state of affairs (without justification) that will dramatically impair the economy south of the Delta.

The rational course would be to implement the isolated conveyance solution with reaffirmation of the primacy of water rights law and area of origin protections to ensure that everyone's rights are protected through our water rights system which is wholly adequate for the task. Your envisioning of reduced water supplies and regional self-sufficiency for areas south of the Delta suggests that you would ignore those rights, and violates your state principal of scientific adaptive management.

True adaptive management would adopt isolated conveyance and monitor the results to determine if any changes to water quality plans and water rights are necessary. Those appropriative rights which move water to areas south of the Delta sustain economies worth hundreds of billions of dollars and supply over 25 million people with water. Reduction of those rights must be undertaken in accordance with established legal processes to (1) provide water rights holders with due process, and (2) ensure that adequate evidence supports the reduction of rights. Your vision should embrace that process for water quality and water rights and not leap to the unwarranted conclusion that water rights must be reduced.

Further, your concept of "regional self-sufficiency" is wholly inadequate for many areas south of the Delta which receive only a small fraction of the rainfall necessary to sustain 25 million people with their jobs, businesses and farms. Aside from the humanitarian catastrophe that would ensue if these folks were cut-off, from whom would the State of California derive its taxes? Who would fund its social programs. This state and other western states long ago realized that appropriative water rights were necessary in the semi-arid geography that comprises most of these jurisdictions. Regional self-sufficiency sounds a lot like riparian rights on a macro scale: it won't work in the west. You should clarify that you mean to enhance regional programs to better manage all water which is available to the region under our existing water rights regimen.

I hope that you will consider these comments as they are intended: suggestions to help refine your vision to one which can be supported by the 25 million Californians who live south of the Delta, including the south Bay areas.

Very truly yours,
John F. Stovall, Ph.D.